

MARTHA BOERSCH (CABN 126569)
Chief, Criminal Division

MATTHEW M. YELOVICH (NYBN 4897013)
Deputy Chief, Criminal Division

MARJA-LIISA OVERBECK (CABN 261707)
LEIF DAUTCH (CABN 283975)
ASEEM PADUKONE (CABN 298812)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7234
mari.overbeck@usdoj.gov
leif.dautch@usdoj.gov
aseem.padukone@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
DAVID CERVANTES, et al.
Defendants.

) CASE NO. 21-CR-328-YGR
)
)
)
)
)
)
)
)
)
)

On January 24, 2022, the United States Attorney’s Office for the Northern District of California issued a grand jury subpoena for Duane Joseph Jefferson. Given that Jefferson was an inmate at Pleasant Valley State Prison at the time, the government also obtained a writ of habeas corpus ad testificandum for Jefferson, which was signed by the Honorable Virginia K. DeMarchi on January 28, 2022. *See* CR 22-90096-MISC-VKD. The writ directed state officials at Pleasant Valley State Prison and the United States Marshals to make Jefferson available “for all future proceedings in this matter” until “the termination of the proceedings in this Court.” *Id.*

1 Jefferson testified as a witness in the above-captioned trial on August 1 and August 5, 2024. The
2 jury returned its verdict on September 26, 2024. Having testified at trial, and not facing federal charges
3 himself, counsel for the United States and counsel for Jefferson agree that “the proceedings in this
4 Court” involving Jefferson have now terminated, and the need for the writ ad testificandum has
5 extinguished.

6 Therefore, the parties jointly request that the writ ad testificandum be deemed satisfied, and that
7 the United States Marshals and/or the Federal Bureau of Investigation be authorized to transfer Jefferson
8 into the custody of the California Department of Corrections and Rehabilitation for service of the
9 remainder of his state prison term.

10 IT IS SO STIPULATED.

11 DATED: October 9, 2024

Respectfully submitted,

12 MARTHA BOERSCH
13 Criminal Chief

14 _____/s/
15 LEIF DAUTCH
16 Assistant United States Attorney

17 DATED: October 9, 2024

18 _____/s/
19 DAVID R. CALLAWAY
20 Counsel for Duane Joseph Jefferson

1 **[PROPOSED] ORDER**
2

3 Based upon the facts set forth in the stipulation and for good cause shown, the Court hereby
4 ORDERS as follows:

5 (1) Duane Joseph Jefferson having testified in the trial of the above-captioned case, the writ
6 of habeas corpus ad testificandum issued on January 28, 2022 is deemed fulfilled.

7 (2) The U.S. Marshal and/or Federal Bureau of Investigation is authorized to transfer Duane
8 Joseph Jefferson into the custody of the California Department of Corrections and Rehabilitation as soon
as practicable.

9 **IT IS SO ORDERED.**

10 DATED: October 9, 2024


HON. YVONNE GONZALEZ ROGERS
United States District Judge